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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JON ADAMS,

Plaintiff,

against

LABATON, SUCHAROW & RUDOFF LLP,

Defendant.  
----- X

Case No.: 07-CV-7017 (DAB)

**NOTICE OF MOTION TO  
DISMISS THE COMPLAINT**

**ECF Case**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint and the Declaration of Bettina B. Plevan dated October 8, 2007 and the exhibit thereto, Defendant will move this Court before the Honorable Deborah A. Batts, at the United States Courthouse, 500 Pearl Street, Courtroom 24B, New York, New York 10007 at a date and time to be set by the Court, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing Plaintiff's Complaint and for such other relief as this Court may deem just and proper.

Dated: New York, New York  
October 9, 2007

PROSKAUER ROSE LLP

By: /s/ Bettina B. Plevan  
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